IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE G.CHANDRAIAH

WRIT PETITION NO. 7245 OF 2006

Dated : June 07, 2007

Between:

Ms. S.Satyavathi

Petitioner

AND

The Secretary to Government,
General Administration Department,
A.P., Secretariat, Hyderabad and others

Respondents

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE G.CHANDRAIAH

WRIT PETITION NO. 7245 OF 2006

ORAL ORDER: **(per THE HON'BLE MRS. JUSTICE T.MEENA KUMARI)**

Seeking to quash the order common order dated 24.03.2006 in OA Nos. 3687 of 2003 and OA No. 5202 of 2002 with VMA No. 580 of 2002, passed by the A.P. Administrative Tribunal, Hyderabad, the petitioner filed this writ petition.

The O.A. was filed seeking to declare the action of the respondents in not paying the leave period salary, non-fixation of pay and not effecting the increments for eight years in terms of the recommendations of Pay Revision Commissioner and for other ancillary reliefs.

The petitioner was appointed as Radio Supervisor on 11.6.1981 initially and subsequently reverted back at her own request as Radio Technician. She was again promoted on 19.11.1990 as Radio Assistant Engineer (Radio Supervisor) and as per the Memo No. 1712/I&PR/A3/93-2 dated 19.1.1994, since she relinquished, in writing, her promotion, she was reverted to the post of Radio Technician on 18.5.1994. While so, the petitioner proceeded on leave and filed OA No. 2594 of 1994 and in pursuance of the orders of the Tribunal, she was retained on the post of Radio Supervisor. Subsequently she was admitted to the Special Grade Post w.e.f. 19.11.1998 and her pay was fixed in the Special Grade Post, which according to the respondents

she is not entitled to as she was enjoying SPP II under Automatic Advancement Scheme. Thus a show cause notice came to be issued to the petitioner, to which she submitted explanation. Not satisfied with the explanation, her appointment to the cadre of Special Grade Post was cancelled by proceedings dated 30.4.2002 and ordered for recovery of the excess amount, paid by way of erroneous fixation, from the amounts payable to her on account of leave salary, encashment of earned leave and other pensionary benefits.

The Tribunal observed that the application was informed about the stage of pensionary benefits and her non-eligibility of getting full salary in lieu of half pay leave and consequently she was paid all pensionary benefits. It is further observed by the Tribunal that in view of the clarification by the Government that the appointment of the petitioner to the Post of SPP II in the scale of 1980-3500 is applicable to the post of Deputy Information Engineer (Dy. REE) on completion of 22 years of service, her pension papers were forwarded to the Accountant General, A.P. and the 4th respondent has released pensionary benefits to the petitioner and the excess amount paid to the petitioner due to erroneous fixation was ordered to be recovered from the petitioner.

The Tribunal having considered the contentions of the respective parties, observed that the 4th respondent has issued orders with regard to the payment of pension and further held that much water has flown since the petitioner has filed the O.As, It is further observed that all the issues have been sorted out in the different applications filed by the petitioner. Therefore, in view of the categorical finding of the Tribunal that the 4th respondent has issued orders granting pension and other pensionary benefits, we do not find any illegality in the order impugned herein. Consequently, the Writ Petition fails, being devoid of merits, and is accordingly dismissed. No order as to cost.

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T.MEENA KUMARI, J.

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G.CHANDRAIAH, J.

June 07, 2007
MAS